

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PAULO CRUZ GONZALEZ,

Plaintiff,

v.

JACKIE WESTOVER, LINDSAY WALKER, SUE
NOVAK, MICHAEL DITTMAN, KAREN STRESE,
ANNETTE BENDER, JODI HALDEMAN, and SUSAN
SCHMIDTKNECHT,

Defendants.

ORDER

20-cv-635-jdp

Pro se plaintiff Paulo Cruz Gonzalez has asked the court to order defendants to pay him \$0.25 for insufficient postage and \$300 in “motion costs.” I will deny his motion.

Gonzalez contends, incorrectly, that defendants untimely filed their answer. Gonzalez also contends that the envelope containing their answer had insufficient postage and that he had to pay \$0.25 to receive it. Gonzalez seeks an order awarding him costs of \$0.25 and \$300 in motion costs. Dkt. 53 at 3. Defendants concede that they provided insufficient postage for this envelope. Dkt. 70. Defendants state that they have asked Gonzalez’s current prison “to provide a \$0.25 credit . . . for future postage.” *Id.* at 1. Gonzalez has not disputed this assertion.

I will not order defendants to pay Gonzalez \$0.25. Gonzalez states that prison officials gave him an option. He could pay \$0.25 for the post office to deliver the envelope to him, or he could decline to pay and the envelope would not be delivered. Gonzalez could have declined to pay and asked defendants to re-send their answer with sufficient postage. Had that failed, Gonzalez could have moved the court to order defendants to send him the answer with sufficient postage. Because Gonzalez had other ways to seek delivery of the answer, it is not appropriate to award him \$0.25 at this time. This is especially true because defendants have

represented that they gave him a \$0.25 credit for future postage. Also, because I am denying this motion, I will not award him \$300 in motion costs. Although I am denying this motion, if Gonzalez ultimately prevails in this case, he may seek the reimbursement of reasonable litigation costs. *See* 28 U.S.C. § 1920.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion, Dkt. 53, is DENIED.
2. The clerk of court is directed to send plaintiff a copy of this order.

Entered October 5, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge